

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KENDAL RUTH RODDEN,

Plaintiff,

v.

No. 4:21-cv-0884-P

**KILOLO KIJAKAZI, ACTING SOCIAL
SECURITY ADMINISTRATION COMMISSIONER,**

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Jeffrey L. Cureton issued a Findings, Conclusions, and a Recommendation (“FCR”) report in this case. ECF No. 22. The FCR found and concluded that the Administrative Law Judge (“ALJ”) did not fail to properly assess the opinions of three of Plaintiff Kendal Ruth Rodden’s treating physicians: physicians’ assistant Britney Haymond, licensed professional counselor Jennifer Lloyd, and Doctor Lawrence Sloan. ECF No. at 9–10. It also found and concluded that the ALJ did not err by neglecting to include limitations in its residual functional capacity determination for Rodden’s severe impairment of migraines. ECF No. at 13–14.

Rodden timely objected to Judge Cureton’s Recommendation that this Court find the ALJ did not err in denying Rodden’s application for supplemental security income. ECF No. 24 at 1–2; *see* No. 22 at 10, 14. Having reviewed de novo the objected-to parts of Judge Cureton’s FCR, the Court concludes that the objection is meritless, so it is overruled. The FCR is adopted in full, and the ALJ’s decision is affirmed.

Rodden’s arguments are essentially the same as those she presented to Judge Cureton. *Compare* ECF Nos. 17 at 6–14 and 21 at 2–7 *with* ECF No. 24 at 1–7. Accordingly, Judge Cureton has already considered these arguments, and the Court is “not obligated to address objections

[which are merely recitations of the identical arguments made before the magistrate judge] because . . . such objections undermine the purpose of the Federal Magistrate's Act, 28 U.S.C. § 636, which serves to reduce duplicative work and conserve judicial resources." *Owens v. Comm'r of Soc. Sec.*, 1:13-47, 2013 WL 1304470, at *3 (W.D. Mich. Mar. 28, 2013) (citing *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *Nickelson v. Warden*, No. 1:11-cv-334, 2012 WL 700827, at *4 (S.D. Ohio Mar. 1, 2012)); *see also Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D. N.Y. 1992) (holding that recitations of nearly identical arguments are insufficient as objections and constitute an improper "second bite at the apple").

Nevertheless, the District Judge reviewed Plaintiff's objection in accordance with 28 U.S.C. § 636(b)(1). And having reviewed de novo the FCR, record, and objection, the undersigned District Judge determines that the Findings and Conclusions of Magistrate Judge Cureton are correct for essentially the reasons stated in his thorough and well-reasoned FCR. Accordingly, Rodden's objection is hereby **OVERRULED**. Judge Cureton's Recommendation is hereby **ADOPTED**, the Social Security Commissioner's final decision is **AFFIRMED**, and this action is **DISMISSED**.

SO ORDERED on this **19th day of September 2022**.



MARK T. PITTMAN

UNITED STATES DISTRICT JUDGE